

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBINA JENKINS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05cv1049-C
)	
NANCY WORLEY, individually and)	
in her official capacity as Secretary of)	
State, State of Alabama; JOE DICKSON,)	
individually and in his official capacity)	
as a member of the State Personnel Board;)	
HENRY MCMILLAN, individually and)	
in his official capacity as a member of the)	
State Personnel Board; JOHN)	
MCMILLAN, individually and in his)	
official capacity as a member of the)	
State Personnel Board; HORACE W.)	
POWELL, SR., individually and in his)	
official capacity as a member of the)	
State Personnel Board; and JOYCE P.)	
O'NEAL, individually and in her)	
official capacity as a member of the)	
State Personnel Board.)	
)	
Defendants.)	

ORDER

Now pending before the court is the April 4, 2007, motion for certification pursuant to 28 USCS 1992(b) (doc. # 21) filed by the plaintiff, which the court construes as a motion to certify an order and leave to seek an interlocutory appeal under 28 U.S.C. § 1292(b). Specifically, the plaintiff requests leave to seek an interlocutory appeal challenging this court's May 11, 2006, order denying her motion to remand. The plaintiff asserts that her state and federal claims, including her claim that the defendant violated

the Fourteenth Amendment to the United States Constitution, should not have been removed to this court because the state court has jurisdiction over her claims. The court is of the opinion that its decision does not involve a controlling question of law as to which there is substantial ground for difference of opinion. An immediate appeal from this court's order of May 11, 2006, will not materially advance the ultimate termination of this litigation. Accordingly, it is

ORDERED that the plaintiff's motion to certify an order and leave to seek an interlocutory appeal under 28 U.S.C. § 1292(b) (doc. no. 21) be and is hereby DENIED.

Done this 17th day of April, 2007.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE